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## **RECORD OF DECISION: APPLICATION UNDER LICENSING ACT 2003**

Licensing Sub-Committee

Date: 20<sup>th</sup> June 2022

Members:

1. Cllr Naomi Bennett
2. Cllr Sam Carling
3. Cllr Jennifer Page-Croft (Chair of the Meeting)

**To consider the application of Cuba Libre Restaurant and Bar Limited in regard to the premises Cuba Libre Restaurant and Bar, 19-31 Regent Street, Cambridge, CB2 3AS to grant a premises licence.**

**We heard representations from the following persons:**

Luke Catchpole (Licensing Enforcement Officer)

Daniel Imagine Flower (Environmental Health Officer)

Heath Thomas (Agent) of Harrison Clark Rickerbys Limited

Mr. Gustavo Enrique Garcia Lopez (Applicant)

Representatives from the company engaged to supply SIA door staff for the premises once open.

Mr Veale from Veale Associates

PC Clare Metcalf (Cambridgeshire Constabulary Licensing)

Councillor Tim Bick (Cambridge City Council, Market Ward Councillor)

**The reason you appeared before the Sub-Committee:**

To consider a premises licence for:

Sale of Alcohol

Sunday to Thursday 11:00 to 01:00 hrs;

Friday and Saturday 11:00 to 03:00 hrs.

Live Music -  
Wednesday 18:00 to 23:00 hrs;  
Thursday and Friday 18:00 to 00:00 hrs;  
Saturday 12:00 to 00:00 hrs;  
Sunday 12:00 to 23:00 hrs.

Recorded Music  
Sunday to Thursday 08:00 to 01:00 hrs;  
Friday and Saturday 08:00 to 03:00 hrs.

**In making our decision we considered the following:**

*Statutory provisions (Licensing Act 2003)*  
*Statutory Guidance*  
*Cambridge City Council's Statement of Licensing Policy*  
*Reports*  
*Advice from Legal Officer*  
*Representations from the parties attending*

**We found the following facts:**

We heard evidence that, prior to late 2020 or early 2021 there was a premise licence in operation. The premises was a restaurant style licence that predated the introduction of the 2003 Act.

We heard evidence from the applicant, in particular that he had operated as Designated Premises Supervisor for an establishment serving alcohol and food in the Cumulative Impact Zone of Cambridge for ten years and conducted himself without any known problems.

We heard representations from the applicant that his intention was to provide live Latin American Music (or recorded music) at a level that would provide ambience and not hinder conversation. The applicant provided an acoustic report from an appropriate specialist including details of noise monitoring and limiting equipment.

We noted the concerns of ward councillors Porrer and Bick in connection with potential noise nuisance to the occupants of nearby flats and considered carefully whether the further steps outlined by the applicant at the hearing, together with the conditions proposed by Environmental Health, were sufficient to minimise the risk of noise nuisance.

We noted that the applicant was willing to modify his proposal and particularly his hours of operation in order to minimise the possibility of such noise nuisance,

We also heard representations from the police in connection with public safety concerns over smoking areas and queueing. We noted the applicant's representations that the capacity was limited to 85 covers (including tables in the main restaurant and bar). After consideration of these matters and agreement of a number of conditions between the applicant, the police and environmental health officers, it was agreed that queues were unlikely and issues over smoking areas could be managed.

**We did not consider the following matters to be relevant:**

The applicant provided a sound clip to illustrate the type and level of music to be played, but this reflected the premises without any customers and could not provide a proper indication of the sound levels at the premises in operation.

The applicant also provided copies of Facebook comments in support of the application on a Cambridgeshire Live news article. These had no bearing on the merits of the application with regard to promotion of the licensing objectives.

**Our decision is as follows:**

To grant the licence subject to the mandatory conditions and those conditions offered by the applicant where they are not contained in the schedule of additional conditions.

Accordingly, the grant of the licence will be for the following hours:

Hours premises open to the public

Sunday to Thursday 08:00 to 00:00 hrs  
Friday and Saturday 08:00 to 01:00 hrs

Sale of Alcohol

Sunday to Thursday 11:00 to 23:30 hrs;  
Friday and Saturday 11:00 to 00:30 hrs.

Live Music

Wednesday 18:00 to 23:00 hrs;  
Thursday and Friday 18:00 to 00:00 hrs;  
Saturday 12:00 to 00:00 hrs;  
Sunday 12:00 to 23:00 hrs.

Recorded Music -

Sunday to Thursday 08:00 to 00:00 hrs

### **Schedule of additional conditions**

1. Save for no more than 25 non-diners at any one time, all sales or supplies of alcohol for consumption within the premises shall be ancillary to a table meal where the service of alcohol by waiter/waitress service shall be to persons who are seated.
2. On any occasion the premises provides licensable activities after 00:00 hours, a minimum of one SIA registered security staff will be employed at the premises, on Sundays to Thursdays from 22:00 hours until close, and a minimum of two on Fridays and Saturdays, from 22:00 hours until close. Door supervisors will be engaged on other occasions subject to individual written risk assessment.
3. The venue must retain on the premises door staff profiles, which includes photo ID other than their SIA badge and a utility bill which must not be dated later than 6 months previously. The Licence Holder shall ensure that such profiles are made available for inspection by the Police or local authorities at any time and kept in a secure location. If any door supervisors leave the premises, the profile shall be retained on the premises for at least three months, following their departure.
4. The premises licence holder shall ensure that any patrons using the outside area of the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance.
5. There shall be no entry to the premises after midnight Sunday to Thursday, or after 0100 hours Friday and Saturday.
6. It is proposed that children will be permitted access to the premises in accordance with the provisions of the Licensing Act 2003.
7. Mandatory conditions will apply requiring a proof of age policy to be implemented in the premises. The premises will adopt a Challenge 25 scheme. Any person who appears to be under the age of 25 years will be required to show photographic identification prior to the supply of alcohol.
8. Challenge 25 posters shall be displayed in prominent positions at the premises.
9. All relevant staff will be trained in the law regarding the sale of alcohol to underage persons. This training will be documented and made available upon request of the police or authorised member of the licensing authority.

10. All staff to receive training and refresher training every 6 months on their responsibilities under the Licensing Act 2003. The training is to be documented and made available to an authorised officer of a responsible authority upon request.
11. All customer facing staff will be given relevant training on welfare and vulnerability, including 'Ask for Angela' safety initiative.
12. Digital CCTV with appropriate recording equipment will be installed, operated and maintained throughout the premises internally to cover all public areas (apart from toilets) with sufficient numbers of cameras agreed with Cambridgeshire Police. The system will be switched on and live during all times that the public have access to the premises for licensable activities. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy and will be changed when British Summer Time starts and ends. The CCTV at exit points will record a clear facial image of every person entering in any light condition. Footage shall be stored for a minimum of 31 days. In the event that images are requested from a constable or authorised officer of a responsible authority the management will ensure a staff member who is conversant with the operation of the CCTV system shall be on the premises at all times the premises are open to the public. This staff member shall give full and immediate cooperation and technical assistance to them in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime or offence and be able to show a police officer or authorised Council officer recent data or footage. In order to comply with the above requirement management staff will be trained to download images from the system onto relevant media.
13. Notices advising that CCTV has been installed on the premises shall be posted up so that they are clearly visible to the public within the licensed premises.
14. No customers carrying opened vessels of alcoholic drink upon entry shall be admitted to the premises at any time they are open to the public.
15. No customer will be allowed to take opened drinks off the premises.
16. Any alcohol supplied before 12:00noon will be served ancillary to a meal.
17. The person nominated as the DPS will join the Cambac Nightsafe/Pub watch scheme, have a Cambac radio and support its aims and objectives. This includes support of its agreed banning policy and attending meetings; personally, or by sending an authorised representative of the venue. The condition is only binding whilst the Nightsafe/Pub watch scheme is in existence.

18. The premises shall devise and implement a dispersal policy to ensure patrons do not congregate outside the premises, and they disperse from the premises in an orderly and quiet manner so not as to disturb residents within the vicinity.
19. Notices shall be displayed in prominent positions at the exits to remind customers to respect any residential neighbours and keep noise to a minimum.
20. The designated premises supervisor shall authorise in writing the names of the staff members/individuals suitably trained to be responsible for the sale of alcohol at the premises in his/her absence.
21. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - a. all crimes reported to the venue
  - b. all ejections of patrons
  - c. any complaints received concerning crime and disorder
  - d. any incidents of disorder
  - e. any refusal of the sale of alcohol
  - f. any visit by a relevant authority or emergency service
22. The premises shall devise and implement a customer search policy.
23. A fire risk assessment will be conducted and implemented in the premises.
24. A sound management plan indicating how sound and frequency would be managed with limitations to 80dB with additional options to limit levels of bass sound and frequency shall be in place and available for inspection by responsible authorities upon request
25. Weekly records of sound testing shall be kept confirming levels are adhering to set requirements which shall be available for inspection by responsible authorities upon request.
26. A queue management plan setting out how potential issues caused by congestion from patrons obstructing the highway whilst awaiting entry would mitigate nuisance and danger to passing pedestrians and cyclists.
27. A noise limiting device (calibrated multi band brick wall limiter system) shall be installed and set to a level with agreement with Environmental Health and prior to commencement of any regulated entertainment.

**Our reasons for reaching the decision are as follows:**

1. The Sub-Committee were prepared to grant the licence because the premises had, until late 2020, been a licenced premises. That previous licence had been surrendered by that operator rather than revoked and there were no known incidents or issues relating to the premises.

2. The Sub-Committee reduced both the operating hours and the hours for the licensable activities so that they were in accordance with the operators proposal that the premises operate as a restaurant.
  
3. The additional conditions contained in the schedule were agreed between the applicant and the responsible authorities and were sufficient for the promotion of the licensing objectives

*Signed: Councillor Jennifer Page - Croft*

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*Councillor Naomi Bennett*

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*Councillor Sam Carling*

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*Dated 23/06/22*

The applicant or those who made a relevant representation has the right of appeal to a Magistrates Court within 21 days from the date of this decision notice by contacting:  
Cambridgeshire Magistrates Court, The Court House, Bridge Street,  
Peterborough, PE1 1ED.

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